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FEB 09 2007

OFFICE OF PETITIONS

In re	:
Shanklin, et al.	:
Application No. 09/753,136	: DECISION REGARDING
Filed: December 29, 2000	: PATENT TERM ADJUSTMENT
Patent No. 7,115,273	: AND NOTICE OF INTENT
Issued: October 3, 2006	: TO ISSUE CERTIFICATE
	: OF CORRECTION

This decision is in response to the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT", filed August 21, 2006, requesting correction of the patent term adjustment (PTA) indicated on the patent.

The request is GRANTED.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **four hundred and seventeen (417) days**.

Applicants have 30 days to respond to this agreement if applicant disagrees with this decision. No extensions of time are available under 37 CFR 1.136.

The Office determined a patent term adjustment of seven hundred fifty-seven (757) days based on an adjustment for PTO delay of thirteen (13) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), three hundred seventy (370) days pursuant to 35 U.S.C. 154(b)(1)(A)(ii) and 37 C.F.R. § 1.703(a)(4), and

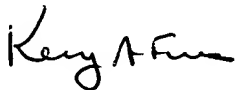
six hundred twenty-six (626) days pursuant to 35 U.S.C. 154(b)(1)(B) and 37 C.F.R. § 1.703(b) reduced by thirty-five (35), forty-one (41), eighty-nine (89), and eighty-seven (87) days of applicant delay pursuant to 35 U.S.C. 154(b)(2)(C)(iii) and 37 C.F.R. § 1.704(b).

A review of the record indicates that applicants should have been assessed a delay from the date of the initial filing of an appeal brief(2/11/05) until the date the correct brief was filed (1/17/06). See 37 CFR 1.704(c)(8). The amount of delay pursuant to 37 CFR 1.704(c)(8) is 340 days. The Office notes that additional USPTO delay is failing to reply to the filing of the appeal brief on 2/11/05 until December 16, 2005. See 37 CFR 1.702(a)(2). The amount of delay 188 days. Furthermore, the 370 day assessment against the Office is in error because the Office replied to the applicant amendment of 5/9/06 on 5/22/2006, within four months under 37 CFR 1.702(a)(2). Accordingly, the correct amount of PTA at the time of the issuance of the patent is $417(1009 - (340 + 87 + 89 + 41 + 35) = 417)$ days.

No fee has been charged. The Office thanks applicants for their good faith and candor in bringing this matter to the Office's attention.

The matter is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 C.F.R. § 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **four hundred and seventeen (417) days**, subject to any disclaimers.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enc: draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,115,273 B2
DATED : October 3, 2006
INVENTOR(S) : Shanklin, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (757) days

Delete the phrase "by 757 days" and insert – by ^{4.7} days—

Day : Thursday

Date: 2/8/2007
Time: 12:34:24**PALM INTRANET****PTA Calculations for Application: 09/753136**

Application Filing Date:	12/29/2000	PTO Delay (PTO):	1009
Issue Date of Patent:	10/03/2006	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	252
Post-Issue Petitions:	0	Total PTA (days):	417
PTO Delay Adjustment:	-340		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
65	02/08/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		60	
64	02/08/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		280	
60.5	09/13/2006	PTA 36 MONTHS	626		
60	10/03/2006	PATENT ISSUE DATE USED IN PTA CALCULATION			
59	08/29/2006	EXPORT TO FINAL DATA CAPTURE			
58	08/28/2006	DISPATCH TO FDC			
57	08/25/2006	APPLICATION IS CONSIDERED READY FOR ISSUE			
56	08/21/2006	ISSUE FEE PAYMENT VERIFIED			
55	08/21/2006	ISSUE FEE PAYMENT RECEIVED			
54	07/17/2006	FINISHED INITIAL DATA CAPTURE			
53	05/26/2006	EXPORT TO INITIAL DATA CAPTURE			
52	05/22/2006	MAIL NOTICE OF ALLOWANCE	370		36
51	05/17/2006	ISSUE REVISION COMPLETED			
50	05/17/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
49	04/02/2001	REFERENCE CAPTURE ON IDS			
48	05/17/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
47	12/13/2002	REFERENCE CAPTURE ON IDS			
46	05/15/2006	NOTICE OF ALLOWABILITY			
45	05/17/2006	DATE FORWARDED TO EXAMINER			
44	05/09/2006	AMENDMENT/ARGUMENT AFTER NOTICE OF APPEAL			
42	04/02/2001	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
		EXAMINER INTERVIEW SUMMARY RECORD			

41	04/25/2006	(PTOL - 413)			
40	04/02/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
39	04/18/2006	CASE DOCKETED TO EXAMINER IN GAU			
38	04/17/2006	CASE DOCKETED TO EXAMINER IN GAU			
37	01/31/2006	DATE FORWARDED TO EXAMINER			
36	01/17/2005	APPEAL BRIEF FILED			
35	12/16/2005	NOTICE -- DEFECTIVE APPEAL BRIEF			
34	03/16/2005	DATE FORWARDED TO EXAMINER			
33.1	02/11/2005	DEFECTIVE / INCOMPLETE APPEAL BRIEF FILED			
33	02/11/2005	APPEAL BRIEF FILED			
32	02/11/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
31	11/12/2004	NOTICE OF APPEAL FILED		87	29
30	11/12/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
29	05/17/2004	MAIL FINAL REJECTION (PTOL - 326)			
28	05/14/2004	FINAL REJECTION			
27	03/04/2004	IFW AMENDED CASE PROCESSING COMPLETE			
26	03/04/2004	DATE FORWARDED TO EXAMINER			
25	02/09/2004	RESPONSE AFTER NON-FINAL ACTION		89	23
24	02/09/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
23	08/12/2003	MAIL NON-FINAL REJECTION			
22	08/11/2003	NON-FINAL REJECTION			
21	05/06/2003	DATE FORWARDED TO EXAMINER			
20	04/30/2003	APPEAL BRIEF FILED			
19	04/30/2003	REQUEST FOR EXTENSION OF TIME - GRANTED			
18	02/12/2003	NOTICE OF APPEAL FILED		41	14
17	02/12/2003	REQUEST FOR EXTENSION OF TIME - GRANTED			
16	12/13/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	12/11/2002	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
14	10/02/2002	MAIL NON-FINAL REJECTION			
13	10/01/2002	NON-FINAL REJECTION			
12	07/27/2002	DATE FORWARDED TO EXAMINER			

11	07/18/2002	RESPONSE AFTER NON-FINAL ACTION		35	9
10	07/18/2002	REQUEST FOR EXTENSION OF TIME - GRANTED			
9	03/13/2002	MAIL NON-FINAL REJECTION	13		-1
8	03/11/2002	NON-FINAL REJECTION			
7	05/30/2001	CASE DOCKETED TO EXAMINER IN GAU			
6	05/14/2001	APPLICATION DISPATCHED FROM OIPE			
5	02/15/2001	APPLICATION IS NOW COMPLETE			
4	02/15/2001	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
3	02/14/2001	CORRESPONDENCE ADDRESS CHANGE			
2	01/19/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	12/29/2000	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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